

## **REMARKS**

Reconsideration and allowance of the captioned application in view of the remarks that follow is respectfully requested. These remarks are intended to advance the case to issue without delay. The claims in the application were 2, 3, 5-10, and 12-24. By this response, no claims are added or cancelled. Accordingly, the claims in the application remains to be claims 2, 3, 5-10, and 12-24.

Claims 2, 3, 5-10, and 12-24 remain rejected under 35 USC §103(a) as being unpatentable over Vu on record for the reasons on record as well as the reasons in the Office Action dated January 28, 2004. This rejection is respectfully traversed.

Vu has been previously cited as teaching an anti-microbial cosmetic composition comprising an antiperspirant, a transition metal chelator (DTPA) and solvent. Vu is said to teach that the composition can comprise a bactericide. It has been further stated that the micro-molar active property of the chelator is inherent to the chelator when the chelator is combined with the antiperspirant.

In addition to applicant's arguments previously set forth, applicant provides these further remarks to help explain how the present invention is novel and unobvious in view of the cited art. Vu discloses that any chelator may preferably be added to a gel stick of the Vu invention to improve color and clarity (Vu, column 5, lines 8-9). Examples of chelating agents are given: EDTA, Na<sub>3</sub>EDTA, Na<sub>4</sub>EDTA, HEDTA, DTPA, NTA, EDG, DEG, and PDTA. Na<sub>3</sub>EDTA and Na<sub>4</sub>EDTA are said to be preferred.

The present invention is to a simple product comprising an AP active and a 'micro-molar active iron (III) chelator'. Micro-molar active iron (III) chelators are defined in the specification (page 8, lines 19-25). Micro-molar active chelators are said to include DTPA and TTHA, but exclude EDTA and CDTA. Thus, the present application represents a novel and unobvious invention over Vu, which merely discloses that any chelator may be

used to improve color and clarity, preferred ones being salts of EDTA (i.e. not micro-molar active iron (III) chelators ). Vu does not disclose the specific chelators of the present invention (i.e. micro-molar active iron (III) chelators), nor does it suggest the benefit that may be obtained by using them (i.e. enhancement of anti-microbial performance of an AP active). Applicant has unexpectedly found that particular chelators (i.e. those which are micro-molar active) give an anti-microbial effect in an antiperspirant composition, which is not disclosed, taught or suggested by any of the cited art including Vu..


It is important to note that the iron (III) chelator does not become micro-molar active merely when combined with the AP active; the micro-molar activity of the iron (III) chelators of the invention is a property of the chelator itself and is not related to the other components with which it is formulated. The property of micro-molar activity is an adjective describing the chelator *per se*, the meaning of this adjective being fully defined in the specification.

In view of applicant's foregoing remarks along with the previously provided remarks, applicant respectfully submits that the claims of the present invention are patentable over Vu and the withdrawal of this rejection under 35 USC §103(a) is respectfully requested.

In light of the above remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

  
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